United Nations A/AC.105/PV.418

General Assembly

Official Records

Committee on the Peaceful Uses of Outer Space

418th Meeting
Thursday, 22 June 1995, 12.40 p.m.
Vienna

Chairman: Dr. P. Hohenfellner ..... (Austria)

The meeting was called to order at 12.40 p.m.

Report of the Committee to the General Assembly

The Chairman: Before we proceed I would like, on behalf of the Committee, to thank especially the Rapporteur, Mr. Edgard Telles Ribeiro of Brazil. My special thanks go also to Mr. Tremayne-Smith of the United Kingdom, who so efficiently coordinated the consultations on a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE).

Now that we have gone through the draft report paragraph by paragraph, in informal session, I would like to proceed to the formal adoption of the report. As is our custom, we will adopt it part by part.

We first take up document A/AC.105/L.208. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.1. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208/Add.1 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.2. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208/Add.2 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.3. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208/Add.3 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.4. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208/Add.4 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.5.

Ms. Kato (Japan): Japan will join the consensus for the adoption of document A/AC.105/L.208/Add.5, including paragraph 18. However, in connection with that paragraph, my delegation would like the Committee to review the need for unedited transcripts at the Committee's session in 1997. The Japanese delegation will be grateful to have this statement included in the record of this meeting.

Mr. Hodgkins (United States of America): I wish to speak only in order to support the proposal made by our colleague from the delegation of Japan. I think it would be a prudent step forward for the Committee to review, after a year, the usefulness of and the need for the unedited transcripts, in the light of the fact that we have a consensus report each year for the Committee.

The Chairman: If there are no further comments, I shall take it that the Committee decides to adopt document A/AC.105/L.208/Add.5.

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178, United Nations, New York, N.Y. 10017, USA. Corrections will be issued after the end of the session in a consolidated corrigendum.

Document A/AC.105/L.208/Add.5 was adopted.

The Chairman: We shall now take up document A/AC.105/L.208/Add.6. If I hear no objection, I shall take it that the Committee decides to adopt it.

Document A/AC.105/L.208/Add.6 was adopted.

The Chairman: The Committee will now take up the draft report, as a whole, of the thirty-eighth session of the Committee on the Peaceful Uses of Outer Space. Is the Committee of the opinion that we should adopt the report, as a whole?

The draft report, as a whole, was adopted.

The Chairman: I would like at this time to thank the Committee for its cooperation.

Mr. de Yturriaga (Spain) (*interpretation from Spanish*): With regard to the report we have just adopted, my delegation wishes to comment on a couple of points that, in our view, have not been satisfactorily addressed or resolved so far by the Committee. I am referring to the working methods, agenda and programme of work of the Legal Subcommittee.

Under the title "Methods of work", we have mixed together and dealt with various distinct issues, such as the agenda of the Subcommittees, the duration and dates of Committee and Subcommittee sessions, the composition of the Committee, the chairmanship of the Committee and the Subcommittees, and the actual methods of work of the Committee and its Subcommittees. This has led to some confusion and lack of rigour in our discussions, and therefore they have not been very fruitful. We believe that these issues should be dealt with separately and resolved on the basis of their own merits — bearing in mind, of course, the relationships between them.

For example, on the question of the composition of the Committee and the chairmanships, paragraph 1 of document A/AC.105/L.208/Add.3 says that the Committee established a Working Group to examine the Committee's working methods, taking into particular account the recommendations of the Legal Subcommittee as reflected in paragraphs 47 to 56 of its report.

In paragraph 56 the Legal Subcommittee does indeed address the question of its composition and chairmanship and expresses the view that these matters are not within the Subcommittee's competence and should be dealt with by the Committee. My delegation regrets that, despite this, the question has not been addressed. The Chairman has told us that no delegation asked that it be considered. He felt that it would be considered as part of the Committee's normal functions, that no request was needed to deal with a matter that had in a sense been imposed on us, through a recommendation in the report of the Legal Subcommittee that had been accepted by the Committee.

Nevertheless, I believe that this important question should be addressed at the Committee's next session since, as we say in our report, the Working Group of the Whole is to be reestablished to deal with the methods of work. My delegation believes that objective criteria should be established to determine the chairmanships not only of the Committee but also of the Subcommittees, and that there is no divine law dictating that once a person has been elected chairman, that person — no matter how admirable — should hold the post forever. I think it would be much healthier to change this situation.

I am not speaking against you, Mr. Chairman, or against the Chairmen of the Subcommittees — quite the contrary: I want to state publicly that you have been doing excellent work. But my delegation believes that it would be more appropriate to have fixed terms of office for the Chairmen of the Committee and its Subcommittees. If, after this term of office had expired, the Committee or a Subcommittee wanted to re-elect a person who had done extraordinary work, it could do so, but this kind of almost monarchical succession should not be the rule in this Committee.

My second point concerns the agenda and the programme of work of the Legal Subcommittee. Paragraph 28 of document A/AC.105/L.208/Add.5, which we have just adopted, states that the Legal Subcommittee's session should be held from 18 March to 4 April — three weeks of meetings. If we adhere to the agenda for that session that we have just adopted and that appears in paragraph 24, we see that part (a) is practically frozen. I do not think that much will happen, because a large group of States is of the view that the present principles are acceptable and do not need to be revised. In part (b) there are two items that are almost part of divine law, items the Committee has been discussing ever since it was set up — namely, the geostationary orbit, and the definition and delimitation of outer space.

With regard to the geostationary orbit, we shall be considering the document that the delegation of Colombia has said it will submit, and once again we shall repeat the arguments that we have been using for these past 20 years. The same is true of the item on the definition and delimitation of outer space. The matter of the questionnaires has a bit more substance and we could perhaps reach some kind of agreement, but it does not really have enough substance to merit discussion.

The only remaining item, then, is the one in part (c): the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. This is a very theoretical subject. Several countries have put forward a proposal in this regard, which we could continue to discuss, but my delegation seriously believes that three weeks would be enough — indeed more than enough — for this agenda. As I have said before, this is such a small menu for a meal that is going to last for so many days.

It is true that a following paragraph of document A/AC.105/L.208/Add.5 says that the three weeks could be reduced to two. But our system of agreeing on these items should be a little more flexible. It is not a question of establishing fixed, immutable periods for discussion, depending on the item being addressed. It is not the organ that creates the function, but the function that creates the organ. That is to say, if we have important, substantive items to deal with, we shall have to allocate two, three or even four weeks to them. But if, for whatever reason, we have no items to deal with, it makes no sense to adhere to a much-too-long timetable, stretching things out, using "dead time" to justify two- or three-week debates, at great cost to the Organization, when this time could be used for more profitable activities.

My delegation is one of those which believe that the somewhat skeletal agenda still before the Legal Subcommittee should be fleshed out. But we have not been able to reach an agreement on this. It is another item that my delegation would like to see addressed when we discuss the methods of work, whenever that will be. Some delegations support the inclusion in the agenda of new legal items that are important and interesting; but there has been no consensus on this. This is another subject that my delegation believes we should reexamine.

There has been agreement in the Committee so far that we should act by consensus. This has had advantages, but also many disadvantages. We believe that, in a spirit of self-criticism, we should reconsider the situation to determine whether we wish to maintain the principle of consensus at any cost. When we are dealing with substantive issues, when we are adopting a draft convention, recommendations, or principles that establish legal standards or guidelines, my delegation feels it would be a good idea to maintain the system of consensus; that would be very positive. But I believe that if the Committee is to function properly we shall have to abandon this practice of requiring unanimity, whereby one delegation that stubbornly sticks to a position can block everything. This is not a good formula for action. I believe, therefore, that we shall have to determine how far this principle of consensus can be taken. I think we can agree that it should be applied in respect of substantive decisions but should be abandoned in respect of strictly procedural, formal decisions, which, as is done by all other bodies, should be adopted by a majority vote. The majority required — two thirds, qualified, or simple — should depend on the importance of the item being dealt with.

Those were the comments my delegation wished to make. We trust that at the Committee's next session they will be considered in greater detail, for the benefit of all.

Mr. Flügger (Germany): The German delegation was pleased to join the consensus on the report we have adopted.

Allow me to take this opportunity to thank all the delegations that have expressed their support for the German candidacy for the chairmanship of the Scientific and Technical Subcommittee. In that respect, we also pay tribute to the efforts of the Committee Chairman. We hope that the Scientific and Technical Subcommittee will have no difficulty in accepting, by consensus, Professor Rex as its new Chairman at its next session.

Mr. Schepisi (Italy): I listened with great attention to what the Ambassador of Spain said, and I certainly cannot compete with his eloquence and logic. I just want to inform the Committee that I fully agree with the substance of what he said, especially when he dealt with the subject of the working methods of the Working Group for next year, the duration of the Legal Subcommittee's session, the rule of consensus, the agenda and the problem of our chairmanship.

By no means do we want our position to sound critical of how this group has been run up to now. I think the Chairman has done an excellent job given the

circumstances, and I want to express publicly my appreciation for what he has done, with the collaboration of the Member States. Our position is meant to give a sense of the importance we attach to this Committee and our determination that it work in a better and more rational way in the future.

Mr. Marchán (Ecuador) (*interpretation from Spanish*): In view of the lateness of the hour, I would like simply to say that the Ecuadorian delegation was pleased to join in the consensus on the adoption of report, with the understanding that no change made in the methods of work should or can modify substantive issues.

Mr. Campos (Portugal): We would like to comment briefly on the matter of the duration of the session of the Legal Subcommittee. During the proceedings we stated explicitly that, in view of the agenda, it should be possible to consider all topics over a period of two weeks. We did not find a reflection of this in the final report. Maybe we were not sufficiently attentive in reading its many points, but, apparently, other delegations did not find it there either. We would like to state our support for this aspect of the position expressed by the representatives of Spain and Italy.

The Chairman: I wish to draw the attention of the representative of Portugal to paragraph 29 of document A/AC.105/L.208/Add.5, where precisely this item is addressed.

Mr. Louet (France) (*interpretation from French*): I would like to pay tribute to you, Mr. Chairman, for the mastery and extraordinary conscientiousness with which you have conducted our work.

I would also like to say briefly that I am in absolute agreement with the statement of the Ambassador of Spain in respect of working methods and the duration of sessions. Like him, I regret that many proposals aimed at rationalizing our work, which is essential in these times of budgetary economization, were not accepted. I do not think it is in the interest of the Committee to continue to have lax working methods.

Mr. Vaughn (Australia): I wanted briefly to express thanks to all members for their participation in the Working Group of the Whole, on working methods, for their forbearance and spirit of compromise and cooperation; to you personally, Sir, for your able chairmanship of the Working Group; and to our Rapporteur, Mr. Telles Ribeiro, for his untiring efforts to bring together the ideas expressed in the Working Group into proposals which achieved consensus.

Although there is still some way to go in the reform of working methods — and this will, of course, be taken up next year — we are very pleased with the outcome, which, while not incorporating all the ideas that we or other representatives put forward, is a step in the right direction. We believe that through improvement in the effectiveness and efficiency of the deliberations of this Committee and its Subcommittees we can maintain the integrity and relevance of the Committee on the Peaceful Uses of Outer Space in its future consideration of the very important topics before it.

Mr. Rey Córdoba (Colombia) (*interpretation from Spanish*): My delegation would also like to express its pleasure at the way work is progressing on the appropriate working methods of the Committee and the Subcommittees. It seems to me that we are moving in the right direction. I think that only through a serious, detailed study of these issues, conducted without haste or preconceptions, will it be possible to reach a rational solution to the problem.

On another subject, I would like to say that the leaders of the Committee and the Subcommittees do not in principle hold office indefinitely. If they continue to do so, it is because that is the unanimous wish of the Committee and its Subcommittees, which consider that the work has been carried out efficiently.

The Chairman: I now call on the Director-General of the United Nations Office in Vienna.

Mr. Giacomelli (Director-General, United Nations Office in Vienna): In view of the hour, I will be extremely brief, but I could not let this important event take place without coming to greet all the members of the Committee and expressing my congratulations on this successful and productive session. The Committee has even made progress in its deliberations on the possibility of a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE), and I understand that the issue will remain on the agenda, to start with, of the Scientific and Technical Subcommittee at its next session.

I very much hope that the atmosphere in the Vienna International Centre and the assistance provided by the Office for Outer Space Affairs and by Conference Services have facilitated the Committee's deliberations

and made them pleasant. A very good sign is that the Committee managed to conclude its work ahead of schedule, which is always a very positive indication.

I would like to assure members that the Committee and its subsidiary bodies will continue to have the full attention and support of the Office in Vienna, and also that the United Nations as such will continue to place very strong emphasis on them. It could not be otherwise. I think the future will show that this activity is becoming one of the most urgent and pressing priorities of our time.

I see a very positive sign in the efforts the Committee has made to improve its working methods. It has made some progress. The decision, for instance, to have unedited transcripts instead of a verbatim record will start to save resources, and it is a step in the right direction. From what I heard in the closing statements of some delegations, the Committee will quite appropriately review this step in due course, and this should place the Committee in the vanguard, I think, of a United Nations where everybody is striving to improve the methods of work. We have now heard other interventions related to this aspect, and I think this is another indication not only of the vitality of this Committee, but also of the very pressing awareness of the fact that this subject is indeed going to have more and more importance in the agenda of the United Nations.

Finally, I want to thank the members of the Committee for their participation. I also wish to congratulate the Chairman and, through him, all the members on the Committee's deliberations.

Mr. Chandrasekhar (India): On behalf of my delegation and of the other countries of the Asian region, we would like to convey our thanks to you, Mr. Chairman, to the Vice-Chairman, Ambassador Mazilu, to the Rapporteur, Mr. Edgard Telles Ribeiro, and to the Secretary, Mr. Jasentuliyana, and his excellent staff, all of whom have made this session of the Committee a complete success. We are also very happy to have the Director-General here; his presence indicates the importance the United Nations attaches to the Committee on the Peaceful Uses of Outer Space, which is the central body for promoting international cooperation in the peaceful uses of outer space and for dealing with all related aspects.

Our delegation wants particularly to thank you, Mr. Chairman, for the excellent way in which you guided our deliberations. We have made constant progress; even though this progress has to be on the basis of consensus, it is heartening that we are able to make progress at every session. Especially on issues such as a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) and the Committee's working methods, the way you handled the situation was very good, for which we thank you. We also thank Mr. Tremayne-Smith, who chaired the informal group on UNISPACE III.

Space is a very complex and sensitive issue that is very important especially to us in developing nations, who believe that space holds the key to improving our quality of life; we thank the Committee officers for the way in which they have protected our interests.

Mr. Melgar (Uruguay) (*interpretation from Spanish*): It gives me pleasure, Mr. Chairman, on behalf of the Group of Latin American and Caribbean States, to convey to you our sincere congratulations on having guided our debates with your usual efficiency and on the invaluable support and advice you have given the members of the Committee. I also congratulate the other Committee officers and the secretariat staff, in particular the conference servicing staff, including the interpreters and translators, who have been of great help in our work.

Mr. Böck (Austria): Let me join other delegations, on behalf of the "like-minded group", in thanking you, Mr. Chairman, for the efficient way in which you conducted our meetings. We also thank the Vice-Chairman, Ambassador Mazilu, and the Rapporteur, Mr. Telles Ribeiro, as well as the entire staff of the Office for Outer Space Affairs, for the way in which they furnished us with documents and information, and helped us follow a smooth path. In that regard, I wish also to thank the conference servicing staff, in particular the interpreters, for their work.

The Chairman: I wish to echo the appreciation that has been expressed by representatives of regional groups and by individual delegations; I appreciated very much the cooperation of the Vice-Chairman, Ambassador Mazilu, and, in particular, the Rapporteur, Mr. Edgard Telles Ribeiro, who did a tremendous job of leading crucial and very delicate consultations. I want also to thank very much the Head of the Office for Outer Space Affairs and all his colleagues; they have given genuine proof of their dedication and of their enormous competence on the very complex issues we deal with. Members should never forget the loyal service offered by the staff.

I would like to mention also how much I appreciated the work of the interpreters and the other conference staff — the précis writers and the conference officers. They have shown how important their support is to our work.

It is the usual practice for the Chairman to offer some sort of political message at the end of the session. I am not going to do this. I would like to say only that this year the Committee started the very important process of considering its own working methods and possibly the form of the Committee. At the same time, I had the feeling that — even if it was not possible, in the view of some delegations, to achieve all they would have liked to achieve — the spirit of democracy prevailed, which meant that delegations were sensitive enough to take into account the interests of other delegations. I very much appreciated the spirit of cooperation of those who would possibly have liked to go much further as far as reform was concerned.

I remind members not to overlook the fact that, apart from procedure and working methods, we are also dealing with very complex substantive issues. I would like to invite all delegations to bring to next year's sessions of the Subcommittees and the main body fresh, new ideas so that we can make progress on the matters before us and possibly also enrich our work with new matters.

Let me finally say to all participants how much I appreciated being together with you again. Thank you for your cooperation. I wish those of you not posted to Vienna a good trip back to your countries.

The meeting rose at 1.15 p.m.